

Human Rights *in British Columbia*

June 2003

SEXUAL ORIENTATION DISCRIMINATION and HOMOPHOBIA

What is discrimination based on sexual orientation?

Sexual orientation discrimination is someone bothering, threatening or treating a person differently or unfairly because of that person's sexual orientation. Sexual orientation discrimination can occur in a number of ways including:

- verbal abuse or threats
- unwelcome remarks, insulting jokes, name-calling
- denial of a service
- not hiring or promoting someone
- hate publications or symbols

Some examples of sexual orientation discrimination:

- A woman and her same sex partner call to view an available apartment. When they arrive to view the apartment, the landlord realizes they are lesbian and tells them he doesn't want "your type of people living here because this is a building where we have traditional values."
- A gay man tells a trusted co-worker that he is gay. Later the gay employee finds his name included in homophobic graffiti in the workplace washroom.
- A local community newspaper runs a series of articles that are highly insulting of gay and lesbian "lifestyles."
- At school a group of adolescent males taunt and physically assault another boy because they believe he is gay.
- A school board decides to ban from the classroom all books which portray families with same-sex parents.
- An employer denies dental and medical coverage benefits to the same-sex partner of one of its employees.

What is Homophobia?

Homophobia is an irrational fear or hatred for anyone who is, or appears to be, lesbian, gay, bisexual or transgendered. Homophobic attitudes can often lead to the display of discriminatory behaviours against persons of differing sexual orientations. Homophobia can exist in a subtle and covert manner as part of an individual's beliefs and attitudes, in our shared social and cultural values, and in an institution's practices. Homophobia isolates and hurts people and divides communities.

What is the difference between Sexual Orientation Discrimination and Homophobia?

Sexual orientation discrimination is an expression of homophobia, which may be reflected in the actions of individuals or in the policies and practices of an employer. Often the harasser has homophobic beliefs and attitudes which are then expressed in sexual orientation discrimination. Such attitudes and beliefs can be hard to identify, and make it difficult to proceed with a formal complaint under the Code. To counteract homophobia a broader-based, social response is often needed.

What protection does the B.C. Human Rights Code provide?

The Human Rights Code protects you from discrimination and harassment on the basis of sexual orientation in:

- employment (includes hiring, firing, wages or other terms of employment)
- tenancy (renting a place)
- public services and facilities (such as restaurants, government services, hospitals or schools)
- publications (such as newspapers, posters or signs)

This protection extends to all persons, regardless of whether they are gay or lesbian, bisexual or heterosexual.

Transgendered and transvestite persons are protected from discrimination under the Code under the prohibited ground of sex (gender identity).

What should I do if I am being discriminated against because of my sexual orientation?

If you are being harassed or discriminated against because of your sexual orientation:

- Let the person know their behaviour is unacceptable and is making you feel uncomfortable. Tell them to stop it.
- Keep a record of what happened including the date, place, time and description of the incident and the name of person or persons who discriminated against you.
- If discrimination happens at work, in your apartment building or at school, tell the employer, landlord or principal what happened and ask them to take action.
- If available, use the internal complaint process at your workplace or school.
- File a grievance with your union.
- File a human rights complaint with the BC Human Rights Tribunal. (Services provided by the Tribunal are free. See contact information at the end of this information sheet.)

What Can You do to Stop Homophobia?

Victims and witnesses to homophobia and sexual orientation discrimination may often feel powerless to stop it, but there are a number of things that you can do:

- If homophobic bullying or harassment happens at your school or place of work, don't tolerate it. Many schools and workplaces now have anti-bullying policies. This means they want it to stop, will deal with it, and will not turn a blind eye.
- Is there a teacher at school or a manager at work that you trust? Why not talk to them about it? Sometimes it's hard to stand up for yourself or others, but it can be done.
- If you know someone who is being bullied or harassed because of their sexual orientation don't be a bystander and watch it happen. Speak out against it – no one likes a bully.

Contact information

Further information on human rights are available from both the Human Rights Tribunal and the Ministry of Attorney General. Contact their offices or visit the Web sites using the information below:

Human Rights Tribunal

Suite 1170 - 605 Robson Street
Vancouver BC V6B 5J3
Phone: 604 775-2000
Toll Free (in B.C.): 1-888-440-8844
TTY (for hearing impaired): 604 775-2021
FAX: 604 775-2020
E-mail: bchumanrightstribunal@gems9.gov.bc.ca
Web: www.bchrt.gov.bc.ca

Ministry of Attorney General

10th Floor 1001 Douglas Street
PO Box 9286 Stn Prov Govt
Victoria BC V8W 9J7
Phone: 250 356-9596
Fax: 250 356-7136
TTY (for hearing impaired), call through
Enquiry BC: 1-800-661-8773
Web: www.ag.gov.bc.ca/programs/hrc/index.htm